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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARCEL FASHIONS GROUP, INC. ,

Plaintiff,

v.

LUCKY BRAND DUNGAREES, INC.,
LUCKY BRAND DUNGAREES STORES, INC.,
LUCKY BRAND DUNGAREES, LLC,
LUCKY BRAND DUNGAREES STORES, LLC,
KATE SPADE & CO., *and*
LEONARD GREEN & PARTNERS, L.P.,

Defendants.

MEMO ENDORSED

Civil Action No. 11 Civ. 5523 (LTS)

July 6, 2020

**NOTICE OF SUGGESTION OF PENDENCY OF
BANKRUPTCY AND AUTOMATIC STAY OF PROCEEDINGS
& REQUEST FOR STAY OF THE FULL PROCEEDINGS**

PLEASE BE ADVISED that, on July 3, 2020, Lucky Brand Dungarees, LLC (formerly Lucky Brand Dungarees, Inc.) and Lucky Brand Dungarees Stores, LLC (formerly Lucky Brand Dungarees Stores, Inc.) and certain of its affiliates (collectively, the “**Debtors**”)¹ commenced bankruptcy cases in the United States Bankruptcy Court for the District of Delaware (the “**Bankruptcy Court**”) by filing voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532, *et seq.* (the “**Bankruptcy Code**”). The Debtors’ chapter 11 cases are now pending before The Honorable Judge Christopher S. Sontchi, United States Bankruptcy Judge, and are being jointly administered for procedural purposes only under the caption *In re Lucky Brand Dungarees, LLC, et al.* Case No. 20-11768-CSS.

PLEASE BE FURTHER ADVISED that pursuant to Section 362 of the Bankruptcy Code, as of the commencement of the Debtors’ chapter 11 cases, the above-captioned action has been automatically stayed as against the Debtor-defendants. Section 362 of the Bankruptcy Code provides, in part, that the filing of a petition to commence a chapter 11 case operates as a stay of “the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under [chapter 11], or to recover a claim against the debtor that arose before the commencement of the case under [chapter 11]” and “any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the [bankruptcy] case. . . .” 11 U.S.C. §§ 362(a)(1) & (6).

¹ The Debtors, along with the last four digits of each Debtor’s federal tax identification number, are: Lucky Brand Dungarees, LLC (3823) and Lucky Brand Dungarees Stores, LLC (7295). The Debtors’ address is 540 S Santa Fe Avenue, Los Angeles, California 90013. Lucky Brand Dungarees, LLC and Lucky Brand Dungarees Stores, LLC were formerly called Lucky Brand Dungarees, Inc. and Lucky Brand Dungarees Stores, Inc. Lucky Brand Dungarees, Inc. and Lucky Brand Dungarees Stores, Inc. were incorrectly named as separate defendants.

PLEASE BE FURTHER ADVISED that additional information regarding the status of the Debtors' chapter 11 cases may be obtained by reviewing the docket of the chapter 11 cases, available electronically at <https://ecf.deb.uscourts.gov> (PACER login and password required) or free of charge via the website maintained by the Debtor's proposed claims and noticing agent, Epiq Corporate Restructuring, LLC, at <https://dm.epiq11.com/LuckyBrand>, or by contacting the proposed bankruptcy counsel for the Debtor: (i) Latham & Watkins LLP, 355 South Grand Avenue, Suite 100, Los Angeles, California 90071 (Attn: Ted A. Dillman (ted.dillman@lw.com) and Lisa K. Lansio (lisa.lansio@lw.com)), and (ii) Young Conaway Stargatt & Taylor, LLP, Rodney Square, 1000 N. King Street, Wilmington, Delaware 19801 (Attn: Michael R. Nestor (mnestor@ycst.com) and Kara Hammond Coyle (kcoyle@ycst.com)).

In light of the Debtors' chapter 11 filing and because of the central nature of the Debtor-defendants to the adjudication of the present matter, the Debtor-defendants request that the above-captioned case be stayed. Further litigation of the matter or adjudication of issues in the absence of the Debtor-defendants' participation may prejudice the Debtor-defendants.

Dated: July 6, 2020
New York, New York

/s/ Dale M. Cendali
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In light of the foregoing information concerning the bankruptcy filings of certain of the defendants, this case is hereby stayed in its entirety pending further order of the Court. Plaintiff shall file a status report as of September 30, 2020, and each March 31 and September 30 thereafter, as to whether the case should be continued stayed, restored to the calendar in whole (upon a grant of relief from the automatic stay or termination of the bankruptcy proceedings) or in part, or dismissed. DE#209 resolved.

SO ORDERED.

7/7/2020 /s/ Laura Taylor Swain, USDJ